

§ 388.2 Applicability.

This part applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as “the DoD Components”).

§ 388.3 Mission.

(a) BMDO shall manage, direct, and execute the Ballistic Missile Defense Program (BMDP) to achieve the following objectives:

(1) Enable deployment of an effective and rapidly relocatable advanced theater missile defense capability to protect forward-deployed and expeditionary elements of the Armed Forces of the United States as well as friends and allies of the United States;

(2) Develop options for, and deploy when directed, an antiballistic missile (ABM) system that is capable of providing effective defense of the U.S. homeland against limited attacks of ballistic missiles, including accidental, unauthorized launches or deliberate attacks;

(3) Demonstrate advanced technologies—as options for enhancing initial BMD systems—such as space-based defenses and their associated sensors that could provide an overlay to ground-based interceptors; and

(4) Continue programs of basic and applied research to develop follow-on technologies for both near-term and future technology insertion options and new system options to sustain a highly effective missile defense capability.

(b) The BMDP shall provide the basis for informed decisions regarding development, production, and deployment milestones, and shall be carried out in full consultation and, where appropriate, with participation of our allies. The program shall be conducted in compliance with all existing international agreements and treaty obligations and shall utilize nonnuclear weapon technologies to achieve the deployments in paragraphs (a)(1) and (a)(2) of this section. The BMDP shall focus on the development, acquisition, and integration of theater missile de-

fenses and strategic defenses against ballistic missile threats to the United States.

§ 388.4 Organization and management.

(a) BMDO shall consist of a Director and such subordinate organizational elements as are established by the Director within resources authorized by the Secretary of Defense. The Director, BMDO, shall serve also as the BMD Acquisition Executive (BMDAE) for BMDO-funded programs and/or projects.

(b) The Under Secretary of Defense for Acquisition and Technology (USD(A&T)), as the Defense Acquisition Executive (DAE), shall provide DoD oversight and guidance for the BMD acquisition program, and shall conduct formal reviews, including Defense Acquisition Board milestone reviews, for BMDPs. All such reviews shall emphasize streamlined acquisition strategies. The USD(A&T) shall provide oversight for the BMD technology base activities contained in the BMDP.

(c) A BMD Acquisition Review Council (BMDARC) may be established by the BMDAE to assist the BMDAE to:

(1) Review BMDP progress in preparation for acquisition milestone decisions;

(2) Resolve critical programmatic and technical issues; and

(3) Determine specific program directions.

(4) The Service Acquisition Executives (SAEs) and Vice Chiefs of Staff of the Services shall provide representatives to the BMDARC. Membership shall also include representatives of the Vice Chairman of the Joint Chiefs of Staff and Commanders of the Unified Combatant Commands, as necessary.

§ 388.5 Functions and responsibilities.

The Director, BMDO, is responsible for BMD programmatic policy, requirements, priorities, systems, resources, and programs, and is responsible and accountable for the research, development, and transition of BMD systems to the Military Departments and operations by the Combatant Commands. The Director shall:

(a) Organize, direct, and manage BMDO and all assigned resources and

activities; provide for the procurement and fielding of assigned systems; and administer and supervise all programs, services, and items under the BMDP to include but not be limited to:

- (1) Theater missile defense systems;
 - (2) The U.S. ballistic missile defense systems; and
 - (3) Other antiballistic missile systems or upgrades as may be assigned by the USD(A&T).
- (b) Develop programmatic policies and issue program guidance and direction to the DoD Components consistent with U.S. national security policy.
- (c) Establish the BMD management network including BMDO, the Services, and other Agencies to execute all program activities; and delegate appropriate authority to key individuals to ensure successful program execution and integration.
- (d) Establish the systems and procedures necessary to coordinate integration into the overall BMDP of the major BMD acquisition programs and other acquisition programs that directly relate to the BMDP's objectives for development and deployment.
- (e) Develop systems' standards and procedures for the administration and management of approved BMD plans and programs; establish program goals and objectives; set priorities; and evaluate BMDP activities of DoD Components and, as appropriate, those of other Federal Agencies.
- (f) Prepare the BMDP objectives memoranda and budget submissions in coordination with appropriate DoD Components; make determinations regarding priorities and resources; provide recommendations on program budget decisions to the USD(A&T), Comptroller of the Department of Defense, and Director, Program Analysis and Evaluation, for incorporation into the planning, programming, and budgeting system process; and initiate and implement congressional reprogramming actions.
- (g) Make such determinations regarding priorities and resources in coordination with appropriate DoD Components to include the Joint Requirements Oversight Council, as may be required to achieve approved program objectives and to enable the incremental development and deployment of BMD

systems for U.S. Forces, the United States, and allies.

(h) In coordination with the USD(A&T) and appropriate DoD officials, identify Military Department, Defense Agency, and BMDO responsibilities for program execution, and in such cases where source-selection is not delegated to the Military Departments and Defense Agencies, retain that authority within BMDO.

(i) Develop mechanisms for coordinating BMDPs with other DoD research, development, test, and evaluation efforts.

(j) Oversee, in coordination with appropriate DoD Components, the participation of U.S. allies and friends in the BMD technical cooperation programs.

(k) Provide periodic program reviews and milestone decision information to the DAE, as well as to the BMDARC.

(l) Serve as principal DoD official responsible for presenting the BMDP budget to the Congress.

(m) Ensure that jointly funded programs have been reviewed by appropriate SAEs prior to initiating programmatic discussions with the USD(A&T).

(n) Serve as principal public spokesperson for the BMDP.

(o) Promote coordination, cooperation, and mutual understanding within the Department of Defense and between the Department of Defense and other Federal Agencies, and the civilian community with respect to BMD matters.

(p) Serve on boards, committees, and other groups pertaining to BMD activities, functions, and responsibilities.

(q) Establish internal procedures for compliance with the ABM Treaty and other Arms Control Agreements, pursuant to DoD Directive 2060.1.

(r) Perform such other duties as the USD(A&T) may prescribe.

§388.6 Relationships.

(a) In the performance of assigned functions, the Director, BMDO, shall:

- (1) Serve under the authority, direction, and control of them USD(A&T).
- (2) Serve as a member of the Defense Planning and Resources Board, when BMD matters are under consideration, and Chairman of the BMDARC.